



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

JUL 27 2004

IN REPLY
REFER TO:

MP-116
ADM-14.00

Regional Letter No. 04-04
Expiration Date: June 27, 2007

MEMORANDUM

To: All Mid-Pacific Region Codes

From: Kirk C. Rodgers
Regional Director

Subject: Sexual Harassment Prevention Policy

Purpose: To notify all Mid-Pacific Regional employees that sexual harassment is unacceptable conduct. Acts of sexual harassment will not be tolerated. This policy is not intended to regulate the social interactions or relationships freely entered into by and between Federal employees. *This supersedes Regional Letter No. 01-02, dated February 6, 2001.*

Scope: This policy is applicable to all employees of the Mid-Pacific Region.

Policy: Each and every employee should be able to enjoy a working environment free from sexual harassment. No employee should be subjected to unsolicited or unwanted sexual advances, nor suffer adverse impact due to relationships between other employees.

Sexual harassment is any unsolicited attention of a sexual nature in the context of the work situation that makes an individual uncomfortable, impedes his or her ability to do their job, or interferes with the individual's employment opportunities. Any employee who makes deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment. It may be in the form of looks, touches, jokes, innuendos, epithets, or direct propositions. It may include displays of derogatory images of women or men, such as nude or semi-nude pictures and cartoons that focus on various parts of the male or female anatomy. These types of behavior may also apply to described actions that occur off the worksite or during after-duty hours. At one extreme, it could be the demand for sexual compliance coupled with the threat of firing for failure to comply. At the other extreme, it could be conveyed by subjecting an employee to humiliation because of gender.

A supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee who behaves in this manner in the process of conducting business is engaging in sexual harassment. This type of behavior will not be tolerated.

Responsibility: It is the responsibility of the supervisor to make sure that the Region maintains a productive work environment. Employers must affirmatively and convincingly communicate to their employees that sexual harassment is illegal and they must take specific steps to prevent it. Under established guidelines, an employer is responsible for the actions of its supervisors, other employees, agents, and, in some cases, the acts of others when the employer or a supervisory employee knows of or should have known of the behavior.

All reports of sexual harassment will be taken seriously, and managers and supervisors will take appropriate action immediately.

Criteria: The following criteria are to be used in determining whether an action constitutes unlawful behavior:

Submission to the conduct is either an explicit or implicit term or condition of employment,

Submission to or rejection of the conduct is used as the basis for an employment decision affecting the person rejecting or submitting to the conduct, or

The conduct has the purpose or effect of substantially interfering with an affected person's work performance, or creates an intimidating, hostile, or offensive work environment.

Any manager, supervisor, or employee found to be in violation of any of the above forms of sexual harassment and in the practice of any of the above criteria shall be deemed as behaving in an unacceptable manner and be subject to appropriate disciplinary action. This includes any supervisor who does not assume and fulfill his or her supervisory responsibility. In two significant Supreme Court opinions, the Court held that an employer is liable for a supervisor's sexual harassment even if the employee did not report it and even if the employee lost no tangible job benefits in connection with the harassment.

With this in mind, all employees are required to complete prevention of sexual harassment training. For your convenience, the following on-line courses are available on the OPM website, Sexual Harassment: What Managers Should Know and Sexual Harassment: What Employees Should Know. Please see the attached instructions (attachment 1) to register for these courses.

All employees are urged to immediately use the Equal Employment Opportunity (EEO) complaint process to report any allegation of sexual harassment, and assured there will be no retaliation for having raised such an allegation. Employees are reminded that any incident of sexual harassment should be immediately reported to their manager, supervisor, the EEO Manager, or any EEO counselor. In order to be guaranteed all rights under Federal Sector Equal Employment Opportunity regulations, 29 CFR 1614, employees have 45 days from the date of the incident to report any allegation of sexual harassment. Attached for your convenience is a list of current MP Region EEO counselors (attachment 2).

Authority: Sexual harassment is a violation of U.S. Code Title V, Part 735 - Employee Responsibility and Conduct, the Civil Service Reform Act of 1978, and the merit system

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principles. In addition, various courts and the EEO Commission have decreed that sexual harassment is a violation of Section 703, Title VII, Civil Rights Act of 1964. Allegations of sexual harassment will be processed in accordance with 29 CFR 1614.

Contacts: Questions or concerns regarding sexual harassment may be directed to any EEO Counselor or the EEO Manager, at 916-978-5571 or TDD 916-978-5608.

Attachments - 2



User Instructions for online Sexual Harassment Training

From the following link: <http://www.golearn.gov/>

Select: New User
 Registration Form

Complete all required fields. Once your user record is in the system, you will receive an email confirming your registration. You **MUST** follow the instructions in the email within 7 days to activate your account. If you do not receive an email confirmation, please email golearn@geolearning.com.

Once you have activated your account you can login to the Learning Center.

Select: Full Catalog
 Free Library
 Legislatively Mandated & Agency Required Topics

Select one of the following courses:

Sexual Harassment: What Employees Should Know [FY 2004] (Service)

In "Sexual Harassment: What Employees Should Know," students will learn what behavior can be viewed as sexual harassment and understand the difference between quid pro quo and hostile environment harassment. You will meet with various experts to discuss legal issues associated with sexual harassment in the workplace and learn how to take action to prevent sexual harassment.

Sexual Harassment: What Managers Should Know [FY2004] (Service)

In "Sexual Harassment: What Managers Should Know," students will learn what behavior can be viewed as sexual harassment and understand the difference between quid pro quo and hostile environment harassment. You will meet with various experts to discuss legal issues associated with sexual harassment in the workplace and learn how to take action to prevent sexual harassment. In addition, you will learn the appropriate steps to take if an employee is being harassed and how to prevent sexual harassment by having a sexual harassment policy.

MID-PACIFIC REGION EEO COUNSELORS

(as of June 2004)

POC for all Mid-Pacific Region Counselors:

EEO Manager, MP Region, MP-116
2800 Cottage Way, E-1818
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